



## Changes to Roadside Inspections

The changes to roadside inspection affects everyone. For a New Entrant, expedited action is taken. FMCSA has identified 7 “triggering incidents” that pose the greatest threat to public safety.

If a “triggering incident” is revealed during a roadside inspection of a New Entrant, expedited action will be initiated.

### ► ROADSIDE INSPECTIONS

#### *Who is involved?*

- A certified federal, state or provincial CMV Inspector.

#### *When will an inspection occur?*

- Unannounced.

#### *Where will the inspection take place?*

- Usually at the roadside.

#### *Why are unannounced roadside inspections conducted?*

- Roadside inspections are a form of safety monitoring which improves safety, allows for enforcement, and ensures compliance with all applicable regulations.

### ► ROADSIDE INSPECTIONS TRIGGERING INCIDENTS

1. Using a driver without a valid CDL.
2. Operating a vehicle declared OOS without making repairs.
3. Being involved in a hazardous materials (HM) reportable incident involving radioactive materials, explosives, or inhalable poisons.
4. Being involved in 2 or more HM incidents with HM other than those above.
5. Using a driver who tests positive for drugs or alcohol OR refuses to take a test.
6. Operating without proper insurance.
7. Having a driver or vehicle OOS rate of 50% or more in a 90-day period.

## Expedited Action May Include

- Initiation of a Safety Audit.
- Requirement placed upon the New Entrant to submit written evidence of corrective action.
- Initiation of an expedited compliance review or intervention.
- Revocation of USDOT Operating Authority.

## Corrective Action

Should a New Entrant motor carrier fail a Safety Audit, the motor carrier will have an opportunity to correct its safety management program.

- 45 days to submit evidence of corrections for carriers of passengers or hazardous materials.
- 60 days to submit evidence of corrections for all other carriers.

## Administrative Reviews

If a New Entrant fails a Safety Audit but believes it was made in error, the motor carrier may request an administrative review.

- Contact a FMCSA Service Center.
- Explain the error in writing.
- List all facts and include supporting documents.
- Submit additional information if requested.
- Attend conference with Field Administrator if requested.

## FMCSA Information Line

**1-800-832-5660**

For additional research and reading on the Federal Motor Carrier Safety Administration’s Drug and Alcohol Testing Regulations, please visit our web site at:

[www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)



## CHANGES TO THE

# NEW ENTRANT

## SAFETY ASSURANCE PROGRAM

Compliance Date

**December 16, 2009**



U.S. Department of Transportation  
Federal Motor Carrier Safety Administration

## Applicability of the Changes

Changes to the New Entrant Safety Assurance Programs affect U.S. and Canada-based motor carriers. **NEW ENTRANT** is a motor carrier not domiciled in Mexico that applies for a U.S. Department of Transportation (DOT) identification number, in order to initiate operations in interstate commerce.

## Becoming a New Entrant

Carriers seeking authority must complete form MCS-150 “Combined Motor Carrier Identification Report.”

To apply for Interstate Operating Authority, a carrier must complete the appropriate form in the OP-1 series. Use the online Registration & Compliance Assistant to determine which forms to fill out at [www.fmcsa.dot.gov/registration-licensing](http://www.fmcsa.dot.gov/registration-licensing).

### ► THE NEW ENTRANT PERIOD

The New Entrant will be monitored during the initial 18-month period.

*The New Entrant must:*

- Operate Safely.
- Maintain up-to-date records.
- Conduct periodic inspections and perform maintenance on CMVs.
- Pass the Safety Audit.

## Automatic Failure of the Safety Audit

A New Entrant will **AUTOMATICALLY FAIL** the Safety Audit for any violations related to:

### ► ALCOHOL AND DRUG VIOLATIONS

- No alcohol and/or drug testing program.
- No **RANDOM** alcohol and/or drug testing program.
- Using a driver who refused a required alcohol or drug test.
- Using a driver the company knows had a blood alcohol content of 0.04 or greater.
- Using a driver who failed to complete required follow-up procedures after testing positive for drugs.

*FMCSA will:*

- Conduct a Safety Audit on the New Entrant.
- Monitor safety performance through roadside inspections.
- Grant permanent authority, if safe.

### ► THE SAFETY AUDITS AND COMPLIANCE REVIEWS

*Who is involved?*

- A certified U.S. federal safety investigator, state or provincial enforcement officer.
- The motor carrier (possibly including managers, drivers, mechanics, and other staff).

*When will a Safety Audit or review occur?*

- Within the 18 months monitoring period.

*When will Compliance Reviews/Intervention occur?*

- At any time FMCSA safety data indicates problems.

*Where will these take place?*

- Generally audits, compliance reviews/interventions take place at the principal place of business.

### ► DRIVER VIOLATIONS

*A New Entrant fails the Safety Audit for knowingly:*

- Using a driver without a valid CDL.
- Using a disqualified driver.
- Using a driver with a revoked, suspended, or cancelled CDL.
- Using a medically unqualified driver.

### ► OPERATIONS VIOLATIONS

- Operating without required levels of insurance according to the type of commercial vehicle.
- Failing to require drivers to maintain hours-of-service records.

## HHG and ADA Compliance

Some New Entrant carriers are also required to be in compliance with:

- Household Goods (HHG) Regulations
- Americans with Disabilities Act (ADA)
- Compliance with HHG and ADA requirements will not be a factor in determining the outcome of a Safety Audit, but may result in further investigation by other federal and state agencies.



### ► COMPONENTS OF THE SAFETY AUDITS, COMPLIANCE REVIEWS/INTERVENTIONS

<i>Post Crash Investigation</i> .....	49 CFR Part 390
<i>Financial Responsibility</i> .....	49 CFR Part 387
<i>Vehicle Safety Maintenance</i> ....	49 CFR Parts 393 and 396
<i>Controlled Substance Testing &amp; Driver Review</i> .....	49 CFR Parts 382, 383, 391, and 392
<i>Hours of Service</i> .....	49 CFR Part 395
<i>Hazardous Materials</i> .....	49 CFR Parts 171–180

### ► REPAIRS AND INSPECTION VIOLATIONS

- Operating a vehicle declared Out-of-Service for safety deficiencies.
- Not performing OOS repairs reported in driver-vehicle inspection reports (DVIRs).
- Operating a CMV not periodically inspected.

### ► RESULTS OF THE SAFETY AUDIT

- If passed, FMCSA will continue to monitor the New Entrant’s safety compliance and performance.
- If failed, New Entrant must satisfactorily implement a corrective action to correct safety management practices. Failure to do so will result in immediate revocation of USDOT Operating Authority.

## Chameleon Carriers

Carriers may not register for a new U.S. DOT number to avoid paying civil penalties or avoid previous OOS Orders. If a carrier provides false information or hides information when it applies or reapplies for a U.S. DOT number, the carrier may be issued an OOS Order, and/or be fined.

